MAKING ETHICS A PART OF THE WORKPLACE

Ethics Guide for Employees
of the Department of the
Interior

This guide belongs to:	
My servicing ethics co	unselor is:
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www.doi.gov/ethics

This publication is a "plain English" guide to the ethics laws and regulations that apply to Department of Interior employees. It is not meant to cover every ethics situation or all of the details of the ethics statutes and regulations. Further, this guide is not intended to replace the advice of Department or bureau ethics officials. It is intended to give a basic framework and help in your every day ethics questions. However, changes in the ethics rules occur regularly and often quickly. If you have an ethics question, you should contact an appropriately designated ethics official BEFORE taking action, provide the official with all the relevant facts, and receive advice as to the course of action to take. The De-

partment cannot take administrative action against you for following the advice provided by a qualified ethics official.

You can find your servicing ethics official at http://www.doi.gov/ethics/personnel.html. Refer to the back page of this guide to find the name of the Departmental and Bureau key ethics officials. You will find these officials to be a valuable resource as you encounter and address ethics questions.

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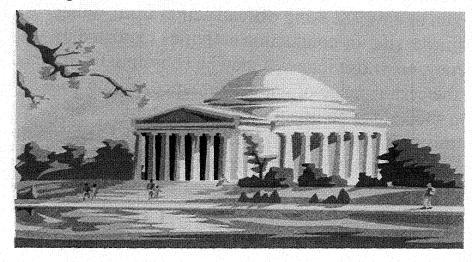
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EXECUTIVE ORDER 12674: THE FOUNDATION FOR ETHICAL BEHAVIOR

In an effort to ensure public confidence in the integrity of the Federal Government,
Executive Order 12674 (as amended) laid the framework for the ethical behavior required and expected of all Federal employees. As a condition of public service, you are expected to adhere to the fundamental principles of ethical behavior listed below:

- Public service is a public trust, requiring you to place loyalty to the Constitution, the laws, and ethical principles above private gain.
- You shall not hold financial interests that conflict with the conscientious performance of duty.
- You shall not engage in financial transactions using nonpublic Government information or allow improper use of such information to further any private interest.
- You shall not, except pursuant to such reasonable exceptions as are provided by regulation, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by your agency, or whose interests may be substantially affected by the performance or nonperformance of your duties.
- You shall make no unauthorized commitments or promises of any kind purported to bind the Government.
- You shall put forth honest effort in the performance of your duties.

- You shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with your official Governmental duties and responsibilities.
- You shall disclose waste, fraud, abuse, and corruption to appropriate authorities.
- You shall satisfy in good faith your obligations as citizens, including all just financial obligations, especially those—such as Federal, State, or local taxes — that are imposed by law.
- You shall adhere to all laws and regulations that provide equal opportunities for all Americans regardless of race, color, religion, gender, sexual orientation, age, or disability.
- You shall not use your public office for private gain.
- You shall act impartially and not give preferential treatment to any private organization or individual.
- You shall protect and conserve Federal property and shall not use it for other than authorized activity.
- You shall endeavor to avoid any actions creating the appearance that you are violating the law, or the ethical standards promulgated pursuant to the Government-wide ethics regulations, Department of Interior supplemental ethics regulations, or Executive Order 12674.



EXECUTIVE SUMMARY: THINGS YOU SHOULD KNOW RIGHT AWAY

The Executive Branch ethics provisions affect virtually every aspect of our lives, both while on and off duty. Here are a few things that we want all new employees to know before they even unpack:

- Don't run your personal business from the office.
- Don't use staff for personal activities, such as helping with moving or house searches, buying gifts, buying your coffee or lunch, or running personal errands.
- Don't use government equipment or time for any personal purpose unless authorized under the limited personal use policy (e.g. such as local calls to touch base with home and make appointments, local faxes, occasional e-mails, etc.)
- Don't create the impression that the government is endorsing any product, service, or enterprise.
- If you have stock (or in some cases bonds) don't take part in ANY WAY, no matter how minor, in a decision that directly affects the financial interests of the company or outside organization without prior ethics clearance.
- Don't take part in decisions that involve your recent former employer, your spouse's current employer, or an organization you serve in any outside capacity.

- Avoid seeking any sort of official decision, no matter how minor, on behalf of friends, relatives, or organizations with which you are affiliated as an active participant.
- Be aware that certain outside activities or employment have ethics ramifications or require ethics approval, particularly if they relate to your official duties or in any way involve a "prohibited source." A "prohibited source" is someone who has business before, or is seeking to do business with, or is regulated by the Department. It is prudent and often required to consult with an ethics official before undertaking these outside activities or employment.
- Seek advice from your servicing ethics official about any potential conflict of interest or situation that may create the appearance of impropriety.



STATUTORY PROHIBITIONS — These laws apply to all Federal employees and each carry criminal penalties for noncompliance. They also serve as a basis for many of the ethics regulations (known as the Standards of Ethical Conduct for Employees of the Executive Branch., 5 C.F.R. Part 2635)

18 U.S.C. § 201 Bribery of Public Officials

This statute prohibits a Government employee from directly or indirectly receiving or soliciting anything of value in exchange for being influenced in the performance or non-performance of any official act, including giving testimony, or in exchange for committing fraud.

18 U.S.C. §§ 203, 205 Representational Activities

These statutes prohibit a Government employee, while in duty or non-duty status, from providing representational services, with or without compensation, rendered before a court or Government agency in connection with a particular matter in which the United States is a party or has an interest. Representational services include any communications on behalf of another party with the intent to influence. Currently, there is an exception for representing other Federal employees in personnel matters, Federally recognized Indian tribes, and certain non profit organizations (subject to change by Congress). Limited exceptions are also allowed for representing oneself or one's immediate family or of a person or estate for which the employee acts as a fiduciary, but not where the employee has participated officially or has official responsibility.

18 U.S.C. § 207 Post Employment

This statute does not bar an individual, regardless of rank or position, from accepting employment with any private or public employer. It does impose restrictions on certain communications that employees may make as a representative of a third party back before the Government. These restrictions are covered more fully in the **Post Employment** section of this manual starting on page 42.

18 U.S.C. § 208 Conflicts of Interest

This statute prohibits a Government employee from participating personally and substantially in a particular matter on behalf of the Government in which he or she has a financial interest. In addition, the statute provides that the interests of certain other "persons" are the same as if they were the employee's. These include the employee's spouse, minor child, general partner, an organization in which he or she serves as an officer, trustee, partner or employee, and any person or organization with whom the employee is negotiating or has an arrangement concerning future employment. The statute applies whether you are on or off duty. There are limited exceptions for written waivers (such as when serving in an official capacity as an officer in an outside organization); *de minimus* exceptions authorized by the Office of Government Ethics; and financial interests arising solely out of Native American birthrights.

18 U.S.C. § 209 Prohibited Supplementation of Salary

This statute prohibits a Government employee from receiving any salary, or any contribution to or supplementation of salary, or anything of value from an outside source as compensation for services he or she is expected to perform as an employee in the Executive Branch of the U.S. Government.

ETHICS PROHIBITIONS UNIQUE TO INTERIOR EMPLOYEES

A summary of Department of Interior specific restrictions as well as the affected Bureau employees are listed below. If you are not sure whether you are covered by one or more of the restrictions below, check with your servicing ethics counselor.

43 U.S.C. § 11 — Applies to Bureau of Land Management employees

This law prohibits all BLM employees from voluntarily acquiring direct or indirect financial interests in Federal lands during their tenure with BLM. Prohibited interests include stocks and bonds in oil, gas and timber companies that lease Federal land for their operations. It also prohibits interests in leases, permits, easements, rental agreements, mineral rights, grazing rights, or other holdings which involve the substantial use of resources of Federal lands.

43 U.S.C. § 31(a) — USGS Organic Act, Applies to U.S. Geological Survey employees

This law prohibits all USGS employees from holding any financial interests in the mineral wealth of the United States and from executing any surveys or examinations for private parties. Prohibited interests include stocks and bonds in oil and gas and other mining companies that lease Federal lands for their operations. The USGS publishes an annual list of prohibited financial holdings in the Financial Guide for USGS employees.

5 C.F.R. § 3501.103(b) — Applies to Minerals Management Service and certain Office of the Secretary employees

This regulation applies to all MMS employees and certain employees within the Office of the Secretary and other Departmental offices that report directly to a Secretarial officer who are in positions classified at GS-15 and above (contact your servicing ethics counselor or refer to 5 C.F.R. 3501.103(b)(ii) to see a list of affected offices). Employees in these offices may not acquire or hold any direct or indirect financial interest in Federal lands or resources administered or controlled by the Department. This generally includes stock or bond interests in most oil, gas, and mining companies that lease Federal lands for their operations.

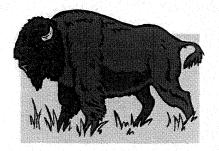
30 U.S.C. § 1211(f) — Applies to Office of Surface Mining Employees

This law prohibits all OSM employees and any other Federal or State employee who performs functions and duties under the Surface Mining Control and Reclamation Act of 1977 from having any financial interests in surface or underground coal mining operations. If you don't work for the Office of Surface Mining but have responsibilities connected with mining and reclamation operations, contact your servicing ethics counselor to determine whether you are covered by this law.

Prohibited financial interests under this law include companies that are involved in developing, producing, preparing, or loading coal or reclaiming the areas upon which such activities occur.

5 C.F.R. § 3501.103(c) — Applies to all Departmental employees

This regulation prohibits, with limited exceptions, all Departmental employees, their spouses and their minor children from acquiring or retaining any claim, permit, lease, small tract entries, or other rights that are granted by the Department in Federal lands. This prohibition does not restrict the recreational or other personal or noncommercial use of Federal lands by an employee, the employee's spouse or minor child, on the same terms available to the general public.



GIFTS - CAN I KEEP IT?



Gifts from Domestic and Private Sources

As a general rule. . .

You may not, directly or indirectly, solicit or accept a gift:

- (1) from a prohibited source; or
- (2) if it is given because of your official position.

A "prohibited source" includes any person, company, or organization that has business with your agency, is seeking to do business with your agency, conducts operations that are regulated by your agency, or has any interests that might be affected by the performance or non-performance of your official duties. If you work for a component bureau, your "agency" for purposes of the gift rules is your own bureau within the Department. For Department-level employees, the term "agency" means Offices of the Secretary, Solicitor, and Inspector General combined.

The gift rules apply whether you are on or off duty. A gift may include, but is not limited to, a gratuity, favor, discount, cash, gift certificate, entertainment, hospitality, loan, forbearance, or other item having monetary value. It also applies to services, training, transportation, travel, lodging, and meals.

SOME THINGS JUST AREN'T GIFTS

Certain items are excluded from the definition of gift and you may accept them to your heart's content.

- Snacks (coffee, donuts, other modest food items not offered as part of a meal);
- Greeting cards, plaques, certificates or trophies (items of little intrinsic value solely for presentation);
- Prizes in contests open to the general public;
- Commercial discounts available to the general public or to all Government employees such as certain deals for outdoor professionals (pro-sale deals) that aren't offered or enhanced because of your official status;
- Commercial loans, pensions, and similar benefits;
- · Anything for which you pay fair market value; or
- Anything which is paid for by the Government

Exceptions to the Gift Prohibition:

There are some limited circumstances when you can accept gifts given because of your official position or from prohibited sources. Of course you may never solicit a personal gift from a prohibited source. And it is never inappropriate and often prudent to decline a gift even if an exception applies.

• Gifts valued at \$20 or less (retail market value), per occasion from a single prohibited source. Gifts from a single prohibited source may not exceed \$50 in any given calendar year. You may not accept cash or other monetary instruments under any circumstance. Also, if the gift is valued over \$20, you may not pay the difference in order to accept the gift; you would need to pay the full market value of the gift in order to accept it.

• Widely Attended Gatherings. Acceptance of free attendance at widely attended gatherings that you attend in an official capacity is permissible. However, in all cases it requires approval. Employees must receive approval prior to the event using the DI-1958 form which is available on the DOI Ethics Homepage at http://www.doi.gov/ethics. An event is widely attended if it is expected that a large number of persons will attend and it is open to a range of interested persons with a diversity of views or interests from throughout a given industry or profession.

If you are speaking at an event in an official capacity, you may accept free attendance from the sponsor of the event (including waiver of registration fees, meals provided to all attendees, entertainment, and materials that are integral to the event and provided to all participants). You may not accept travel expenses under this authority. Under certain circumstances you may accept travel expenses from outside sources to these events as described below in the "Things You Should Know if You Travel for the Department" section on page 21 of this Guide.

If you are not speaking at the event, you may still accept free attendance from the sponsor if it has been determined that your attendance is in the interest of the Department because it will further Departmental programs and operations.

If someone other than the sponsor of the event is paying for your attendance (such as if a corporation invited you to sit at their table), you may attend if more than 100 persons are expected and the gift of your attendance has a market value of \$305 or less and your attendance is approved as being in the interest of the Department.

- Discounts and similar benefits that are offered to the public, other groups that you belong to, or to all Government employees. This exception includes favorable rates offered to all Government employees, even when you are off duty. It also includes certain professional sale deals offered to DOI employees that work outdoors, as long as they have not been enhanced or offered because of the status or perceived influence of the employee's official position. You may not accept the benefit if it is offered only because of your official position with the Department.
- Gifts based on outside business or employment relationships (e.g. because of your outside affiliations, outside work or other relationships).
- Awards and honorary degrees. Requires prior Department or Bureau Ethics Office approval for honorary degrees or awards of cash of any amount or tangibles valued at more than \$200.
- Gifts from a political organization (for employees covered by the amendments to the Hatch Act).
- Gifts based on a personal relationship. You may accept a gift given under circumstances which make it clear that the gift is motivated by a family relationship or personal friendship rather than your position. If the gift is given for business reasons or is paid for by a prohibited source, it is not covered under this exception.

If there is no exclusion or exception available for an employee to accept a gift, the Department may be able to accept the gift using a Departmental gift acceptance authority. Employees should consult with the Office of the Solicitor, the Departmental Ethics Office, or their Bureau ethics official in such cases, particularly if refusal to accept the gift would cause offense or embarrassment.

GIFTS FROM FOREIGN GOVERNMENTS

In accordance with the Emoluments Clause of the U.S. Constitution, you may not accept anything of value from a foreign government, unless specifically authorized by Congress. This rule applies whether you are on or off duty. Any unit of a foreign government, whether it is national, state, local, or municipal level is covered. It also applies to gifts from international or multinational organizations comprised of government representatives. It also may apply to gifts of honoraria, travel or per diem from foreign universities which are often considered as part of the foreign government. Spouses and dependent children of Federal employees are also banned from accepting gifts from foreign governments. However, unlike Federal employees, spouses and dependent children may receive compensation for services rendered to a foreign government.

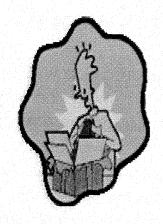
However, the following gifts from foreign officials are authorized under the Foreign Gifts and Decorations Act:

- Gifts of minimal value (currently \$305 or less, but this amount is revised every three years)
- Transportation taking place entirely outside the United States (but not transportation originating on U.S. soil)
- Educational Scholarships
- Medical treatment

In certain circumstances, particularly if refusal of a gift would cause embarrassment either to the United States or Government offering the gift, the Department may accept the gift under a Departmental or Bureau gift acceptance authority. Employees should consult with the Office of the Solicitor, their bureau ethics official, and the appropriate property officer for proper disposition of such gifts.

GIFTS BETWEEN EMPLOYEES

General Rule: You can't give a gift to your boss. You can't solicit donations to buy your boss a birthday present or a holiday gift. You can't accept a gift from an employee that receives less pay than yourself.



Exceptions to this rule:

- There is a personal relationship between you and the other employee that would justify the gift.
- Personal hospitality (bottle of wine, bouquet of flowers) provided at a residence.
- Items, other than cash, with an aggregate market value of \$10 or less per occasion, on infrequent occasions when gifts are normally exchanged.
- Leave transferred under an approved agency leave sharing plan (but not to immediate supervisor).
- On an infrequently occurring occasion of personal significance, such as marriage, illness, the birth or adoption of a child, retirement, resignation or transfer. On such occasions, an employee may give a suitable and appropriate gift and may request donations within the office for contributions toward the gift. Employees should be told that they are free to contribute the suggested amount or nothing at all.

Things You Should Know if You Travel for the Department

Generally, your official travel must be paid for from your bureau or office's appropriated funds. However, under certain circumstances, your bureau, office, or department may be reimbursed for your travel by a non-Federal source. The authorities which allow your office to accept host-paid travel expenses are explained below:

Travel Expense Acceptance under 31 U.S.C. § 1353

This law allows Executive Branch agencies to accept reimbursement from non-Federal sources for an employee's transportation expenses to certain functions related to the employee's official duties. Travel under this authority may not be used for events required to carry out the Department's statutory and regulatory functions such as investigations, inspections, audits, or site visits.

Acceptance of travel expenses from non-Federal sources is only permitted when the employee's travel is for attendance at a conference, meeting, seminar, training course, speaking engagement, or similar event for the exchange of information that takes place away from the employee's official duty station.

Payment must be for travel related to the employee's official duties. Approval for accepting travel expenses is also subject to conflict of interest considerations. In addition to an approved travel authorization, the employee must also have an approved ethics Form DI-2000 in advance of travel.

It is not permissible for the employee to personally accept reimbursement from an outside source. All checks must be made out to the Department of Interior or to the employee's bureau. Employees may, however, accept "in kind" items such as airline tickets, meals, or hotel accommodations. In addition to accepting travel expenses for an employee, the Department may accept travel for a spouse to accompany the employee to the same event where the spouse's presence is in the interest of the Department. Acceptance of travel expenses from outside sources will not be approved if it would cause a reasonable person with knowledge of all the relevant facts to question the Department or Bureau's integrity of agency programs or operations.

Other Authorities to Accept Travel

The travel authority under 31 U.S.C. 1353 is the preferred authority to use if reimbursement is offered by an outside source. However, there are statutes which authorize the employee to accept travel expenses for other than conferences and meetings.

The authority at 5 U.S.C. § 4111 to accept travel expenses from organizations listed under Section 501(c)(3) of the Internal Revenue Code [with the approval of the Designated Agency Ethics Official (DAEO) or servicing Bureau ethics official, still exists when it is for some reason impractical for the agency to accept travel under 31 U.S.C. 1353. Employees may also continue to accept travel expenses under the Intergovernmental Personnel Act when the employee is attending an event other than a conference or a meeting.

Other provisions which remain in effect are (1) the authority under 5 U.S.C. § 3343 for employees to accept travel expenses in connection with details to foreign governments and public international organizations, (2) the authority under 5 U.S.C. § 5751 for employees and agencies to accept travel expenses when summoned or assigned to provide official testimony on behalf of parties other than the United States, and (3) the authority under 15 U.S.C. § 3710a(b) to carry out agreements under the Federal Technology Transfer Act.

Finally there are statutory authorities which allow bureaus to accept gifts of travel, food, and lodging, in connection with programs for the advancement of the Bureau of Indian Affairs, the National Park Service, the Fish and Wildlife Service, or other bureau specific programs that are not covered under 31 U.S.C. § 1353. Assistance in using these authorities is shared within the Department Ethics Office and key ethics officials at the Bureau level, the General Law Division, Office of the Solicitor, and your Regional Solicitor's Office.

Frequent Flyer Benefits

Federal Employees may retain for personal use promotional items, including frequent flyer miles, earned on official travel. The IRS has determined thus far that these benefits are not tax-

able, but this may be subject to change by future tax laws or regulations.



OUTSIDE WORK AND ACTIVITIES

Outside work or activities are permitted to the extent that they are not prohibited by statute, regulation, or bureau policy. Generally leave without pay will not be granted for outside work with the exception of certain



service to non-federal public or quasi-public organizations.

The outside work or activity must not present a conflict between your private interests and your official responsibilities. Prior approval to engage in outside work or activities is required by Departmental regulations for paid or unpaid work with a prohibited source (someone who has business before, is seeking to do business with, or is regulated by the Department). In addition, USGS has established by regulation procedures to approve all outside work activities that are related to our official Government duties. Check with your ethics official for any procedures or restrictions that may apply to your situation.

Senate confirmed Presidential Employees may pursue certain outside activities but may not receive outside earned income for engaging in any such activity. Non-career SES employees may not, in any calendar year, receive outside earned income which exceeds 15% of the annual rate of basic pay for level II of the Executive Schedule.

All outside work must take place outside official duty hours or while you are on authorized leave. Generally, annual leave must be used for <u>compensated</u> outside activities. At the discretion of the supervisor, administrative leave may be used for certain <u>uncompensated</u> outside activities that may support the mission of the Department, e.g., attending a professional meeting.

FUNDRAISING

For Department employees, fundraising in an official capacity may be permitted only if the charitable organization is approved by the Office of Personnel Management (OPM). The only charitable effort sanctioned by OPM is the Combined Federal Campaign. The rules governing acceptable fundraising activities by Federal employees are contained in 5 C.F.R. Part 950.

You may engage in non-political fundraising activities as a private citizen, provided that you do not use your official title or position to further the fundraising event. Further, you may not solicit funds or other support from subordinates or from prohibited sources. Raffles and lotteries are prohibited in

Government owned or leased buildings and facilities. Only IDRA approved commercial activities are permitted in any Department or Bureau building.



TEACHING, SPEAKING AND WRITING

Generally, you may not receive compensation, other than travel expenses, for outside teaching, speaking, or writing that relates to your official duties.



For purposes of this regulation, a teaching speaking or writing activity relates to your official duties if:

- The activity is undertaken as part of your official duties;
- The circumstances indicate that the invitation to engage in the activity was extended to you primarily because of your official position rather than your expertise on the particular subject matter;
- The invitation to engage in the activity or the offer of compensation for the activity was extended to you by a person who has interests that may be substantially affected by the performance or nonperformance of your official duties;
- The information conveyed through the activity draws substantially on nonpublic information; or
- The subject of the activity deals in significant part with:
- (1) a matter to which you are presently assigned or to which you have been assigned during the previous year; or (2) any ongoing announced policy, program or operation of the Department.

Reference to Official Position

If you are engaged in teaching, speaking, or writing as an outside activity, you may not use or permit the use of your official title or position except:

- You may include your title or position as one of several biographical details when such information is given to identify you, provided that it is not given more prominence than other significant biographical details;
- You may use your title or position in connection with an article published in a scientific or professional journal, provided that it is accompanied by a disclaimer that the views expressed do not necessarily represent the views of the Department or the United States Government; and,

• If you are ordinarily addressed using a general term of address such as "The Honorable," or a rank, such as a military or ambassadorial rank, you may use that term of address or rank.

Exception for teaching certain classes

Even if the subject matter deals with your official duties, you may accept compensation for teaching a course requiring multiple presentations offered as the regularly established curriculum of an accredited institution of higher learning, a secondary school, an elementary school, or a program of education sponsored by the Federal, state or local government. You may only receive compensation under these circumstances for outside teaching, not for teaching carried out as part of your official responsibilities. If the class involves providing services to a prohibited source, approval will be required by the ethics office.

Serving as an Officer in an Outside Organization

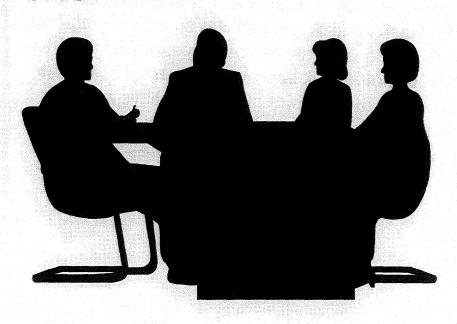
You may serve an outside organization under one of three different circumstances:



- You participate in the outside organization in your **private capacity**, not on Government time. Approval is required if the outside organization is a prohibited source. You will have a covered relationship with the organization and may only participate in DOI specific party matters that affect their financial interests with approval from your ethics official. You may not represent the outside entity before the Federal Government (18 U.S.C. §§ 203, 205).
- Your bureau/office may require that you participate in the outside organization as part of your official duties. It is preferred that you serve as a representative member or liaison and do not serve as an officer with fiduciary responsibilities as part of your official DOI duties. You should seek approval and advice from your bureau or office ethics official and have a written memorandum of understanding between your bureau and the organization in which you will serve.

You may be required to serve as an **officer of the outside organization** in your official capacity. The primary beneficiary of your service must be the Department or Bureau and not you or the outside organization. If so you must take the following four steps first:

- Have a written Memorandum of Understanding between your bureau and the organization in which you will serve as an officer;
- Have an 18 U.S.C. § 208(b)(1) waiver in place **before** making any policy or decisions or taking any actions as an officer of the organization. This is mandatory to avoid any conflict of interest under 18 U.S.C. § 208;
- Obtain prior approval from the Bureau Ethics Counselor; and
- Seek guidance from your ethics official prior to accepting the position.



POLITICAL ACTIVITIES: DOS AND DON'TS

It used to be that Federal employees were significantly restricted in their activity in electoral politics. In 1993, Congress changed all that. Now most Federal employees have significantly more freedom to participate politically. There are still concerns, however. The penalties under the Hatch Act.



however. The penalties under the Hatch Act are significant, some of them criminal. So where are the trip wires? It depends in part on who you are. There are four different classes of employees under the Hatch Act.

- 1. Career SES, Administrative Law Judges, and those that serve on the Contract Appeals Board are the most restricted group. Generally this group can not do much in terms of partisan campaign work. They can register and vote as they choose, but it is best for this group just not to engage otherwise.
- 2. Non-career SES, Schedule C, and just about everyone else are the moderately restricted group. Short of running for office (which is permitted as an independent in certain jurisdictions) and some other particulars to be mentioned momentarily, you can fully participate in political activity, but only in a purely private capacity.
- 3. Presidential appointed, Senate Confirmed Personnel (PAS) are the least restricted group. PAS employees are subject to some restrictions, but they are less constrained in terms of where and when because of their 24 hour duty status. They can mix official and political activity, the rest of us can not.
- 4. Certain staff officials that assist PAS employees in carrying out their official duties may continue to do so when the PASer is carrying out political activities.

HATCH ACT RULES THAT APPLY

Off-duty, off-premises rule. Applies to everyone but PAS employees. "Off-duty" means you may only politick on annual leave or during non-duty hours. No active campaign buttons may be displayed by Federal employees in a Government building. You may display a political bumper sticker on your car, even if parked in a Government garage. PAS employees may politick during work hours, but the campaign must pay for all their expenses. "Off-premises" means you may not politick in buildings owned or leased by Federal Government.

No Use of Subordinates rule. You may not solicit the participation of subordinates in political activity. For example, if a non-career SES employee is invited to a political event but cannot go, he should not request a subordinate employee to attend on his or her behalf. Political strategy meetings involving the Agency's political appointees must be purely optional for their subordinates.

No Use of Title rule. Do not let your title or your affiliation with DOI be used in conjunction with political activity.

No Fundraising rule. You may not utter the words "please give money to Candidate Smegly." You can attend fundraising events, you can even speak at them provided your title is not used, but you can't say those words, "please give money" either verbally or in writing. You also may not collect, accept, or receive political contributions on behalf of a partisan candidate.

USE OF YOUR PUBLIC OFFICE

Use of Position for Private Gain. As a Department employee, you may not use your public office for your own private gain, or for the private gain of friends, relatives, business associates, or any other entity, no matter how worthy. Except as provided by law or regulation, you may not use or permit the use of your Government position or title or any authority associated with your public office in a manner that could reasonably be construed to imply that the Department or the Government sanctions or endorses any of your personal activities or the activities of another.

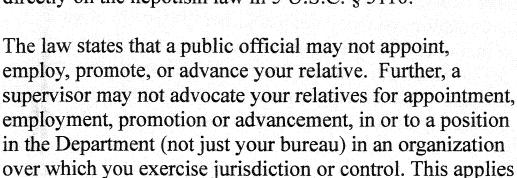
You may not use or permit the use of your Government position or title or any authority associated with your public office in a manner that is intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to yourself or to friends, relatives, or persons with whom you are affiliated in a nongovernmental capacity.

Endorsements. A Department employee shall not use or permit the use of his Government position or title or any authority associated with his public office to endorse any product, service or enterprise except: (1) in furtherance of statutory authority to promote products, services or enterprises; or (2) as a result of documentation of compliance with agency requirements or standards; or (3) under an agency program in recognition for accomplishment in support of the Department's mission.

You may endorse an outside program in your private capacity, however, your endorsement may not make reference to your official title or position within the Department.

Nepotism: The act of giving preferential treatment to one's relatives

Nepotism, or showing favoritism on the basis of family relationships, is prohibited. The Department's policy on nepotism is based directly on the nepotism law in 5 U.S.C. § 3110.



• Is your relative

to any individual who:

- Is the relative of any other public official in your bureau or the department, if that public official has advocated the action; or
- Is the relative of any public official who exercises jurisdiction or control over your bureau or de partment, if that official has advocated the action

The term "relative" means an individual who is related to an employee as a father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

Exceptions to the policy

In unusual circumstances, an employee may supervise a relative when management:

- Determines that urgent needs resulting from emergency situations exist; or
- Needs to do so because of isolated field locations or where there is a shortage of quarters; or
- Establishes special scientific needs: or
- Finds that all merit-related provisions of Federal Law have been observed; and
- Determines that such supervision would result in a net benefit to the government; and
- Assigns a non-related individual as manager to conduct performance evaluations and recommend promotions or advancements.

Questions regarding nepotism should be referred to your Personnel Office.



Using Government Property, Time and Information

It is your responsibility as an employee to protect and conserve Government-owned or leased property and vehicles and to use such property and vehicles only for authorized purposes.

You may NOT use Government purchasing authority for personal acquisitions (including your Government charge card), even though you reimburse the Government.

When leaving government service, you may not remove Government property or files; nor may you use Government copiers to make copies of files to take with you.

Your bureau or office is authorized to allow limited personal use of certain Government owned or leased equipment for personal use. If you are unsure whether to use a particular piece of Government equipment for a personal reason, get prior authorization from your supervisor.

You are prohibited from using official Government envelopes (with or without applied postage) or official letterhead stationery for personal business. This includes mailing your resumes/applications for Federal or private positions. Violation of the prohibition against using franked (postage paid) envelopes may result in a fine of not more than \$300. (18 U.S.C. § 1719)

You are prohibited from engaging in any financial transaction using "insider" or nonpublic information, or allowing the improper use of nonpublic information, which is not available to the public to further your own private interest or that of another.

Generally, the projects, studies, maps, and documents you prepare as a Government employee belong to the Government. This also includes photographs, slides and other media you prepared while on official duty using film, tapes or other recordable material that was purchased with Government funds. When you leave Federal service, you may not take any of these items with you, unless you receive Departmental approval to do so.

The Department of the Interior's limited use policy applies only to personal use of computers [and of internet services], telephones, fax and photocopiers that are owned, leased or provided for by the Department. A Bureau or office may not change any part of this policy to relax the restrictions as stated below.

This limited personal use policy does not apply to the use of Government or leased motor vehicles, or to the use of Government charge cards. The policy applies to Government equipment used on government premises. Employees may not, without proper authorization, remove Government equipment from the office for home use.

Use of computers and the internet: Employees may use government computers and the internet for personal use on their personal time (before and after work, during lunch and during other breaks) provided there is no additional cost to the government. Employees may make personal purchases over the internet, provided they have the purchased item sent to a non-government address. The following activities are absolutely prohibited on any government owned or leased computer:

- Gambling
- Visiting and downloading material from pornographic web sites
- Lobbying Congress or any government agency
- Campaigning—political activity
- Online stock trading activities
- Online real estate activities
- Online activities that are connected with any type of outside work or activity
- Endorsements of any products, services or organizations
- Any type of continuous audio or video streaming from commercial, private, news or financial organizations

Use of Department E-mail: The department does not place any restrictions on incoming e-mail. Under current policy, employees may send out personal e-mail provided that:

- Any message is not sent to more than five addresses, no mass mailings
- No personal broadcast transmissions

It is important to note that any e-mail on the Department e-mail system may become an official record. Employees have no right to privacy for e-mail transmissions; the Department is often required to release employee e-mails pursuant to an Inspector General, court or Congressional order. Use of Department telephones: Employees may use Department telephones for personal calls when they are necessary and when the call provides a benefit to the Department. Examples include:



- Calls to family members when an employee works late
- Calls to child-care facilities or providers to make alternate arrangements
- Calls to medical or day-care providers
- Calls to make funeral arrangements
- Calls to businesses that are open only during work hours
- Calls to arrange home or car repairs

Purely personal calls are permissible if they are short (no more than 10 minutes) and of no cost to the government (long distance and toll calls are prohibited). Employees are limited to three personal calls per day.

Use of Telephone during Official Travel: Employees should use Federal calling cards and prepaid calling cards when making personal calls on travel. Government-owned cellular phones and hotel phone lines may be used unless to do so would impose additional costs to the Government. If authorized, employees should use Federal calling cards or prepaid calling cards.

Using government charge cards during official travel.

The government charge card may not be used for any personal purchases. Employees may use government charge cards while on official travel for the following purposes:

- Cash advances within five calendar days before and during travel
- Transportation-related tickets (air, train, etc.)
- Meals, lodging, rental cars/gasoline, parking and tolls
- Taxi rides, official telephone calls, and other travel related purposes

Gambling, Raffles, Lotteries, and Betting Pools. Unless authorized by statute, regulation or the Office of Personnel Management, all forms of gambling activities are prohibited at all times on Government owned or leased facilities. Prohibited gambling activities include, but are not limited to, raffles, lotteries, numbers [games], football pools, etc. See 41 C.F.R. 101-20.306



Serving as an Expert Witness

You may not testify in your private capacity, in any judicial or administrative proceeding in which the U.S. is a party, has a direct or substantial in-



volvement in, or which concerns official information, without prior approval from your organization's management and the Designated Agency Ethics Official (DAEO).

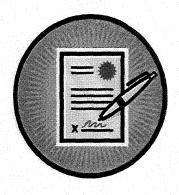
If you are asked to voluntarily give "expert" testimony in your private capacity, and the DAEO determines that it is not in connection with a particular matter of interest to the United States, then you may proceed.

If you are subpoenaed to testify as an "expert" in any matter the Government has an interest in, or is a party to, you must notify your supervisor and the DAEO immediately and request approval to proceed. If approval has not been granted by your appearance date, you must appear in compliance with the subpoena. However, you should explain to the court that approval has not yet been granted. If the court wants you to testify anyway, then you may only speak to facts in the matter; you not speak on behalf of your bureau or the Department, and you must not give your "expert" opinion as an employee of the Department.

Managers should consult with the Office of the Solicitor's Division of General Law staff for assistance. Departmental procedures are set out in 43 C.F.R. Part 2.

Procurement Integrity

There are four basic provisions to the Procurement Integrity Act, 41 U.S.C. § 4203:



- There is a ban on disclosing procurement information, both "contactor bid or proposal information" and "source selection information."
- There is a ban on contractors from knowingly obtaining procurement information before the award of a contract, other than as provided for by law.
- If a Federal employee participates in a contract in excess of \$100,000 or more, he or she must report all offers of employment from the contractor and reject the possibility of employment or disqualify himself or herself from further participation absent ethics clearance.
- If a Federal employee participates in a contract over 10 million dollars, there is a one year ban on accepting compensation from the contractor.

SEEKING NON-FEDERAL EMPLOYMENT

The seeking employment rules are more restrictive than most Federal employees realize. Because the financial interests of any organization with which you are negotiating or have an arrangement concerning future employment are deemed to be the same as



your own for purposes of the conflict of interest rules, there are criminal penalties if you participate in any particular matter that affects the financial interests of a prospective employer. Further, the Office of Government Ethics has written regulations interpreting any form of communication regarding prospective employment with a non-Federal source as seeking employment (other than requesting a job application or sending a resume to someone that has a particular matter pending before you that affects them only as a member of a class). You must have ethics clearance (and you won't be able to get it except in rare cases) before you participate in any particular matter at the Department that affects the financial interests of a prospective employer.

You are no longer seeking employment when you or the prospective employer reject the possibility of employment (including if you receive the courtesy "we will keep your resume on file" letter). You are also no longer seeking employment if two months pass after you send an unsolicited resume and you receive no indication of interest. Any response to a prospective employer that defers discussions until the foreseeable future does not terminate the seeking employment discussions.

RESTRICTIONS THAT APPLY AFTER YOU LEAVE FEDERAL SERVICE

After you leave Federal service, there are certain post-employment restrictions that may apply to your activities as well as the work you do for your future employer.

Generally speaking, you may go work for whoever you want. There are limited additional restrictions for certain employees who participated in costly procurement work, or for those who wish to represent foreign entities, barring such work for a period of one year. However, for most Federal employees, the restrictions only apply to certain activities that you may engage in for your new employer.

Lifetime Bar 18 U.S.C. § 207(a)(1)

For most employees, the lifetime bar is the only post employment restriction. It certainly is the most important one to know since it affects every federal employee. Here's the rule. If you ever, while you were a Federal employee, participated personally and substantially in any particular matter involving specific parties (grants, contracts, licenses, permits, applications, litigation, etc.) you may never communicate on behalf of someone else before anyone in the Federal Government regarding that same specific party matter. You could represent them regarding similar matters, but not ever on the same specific party matter that you worked on in any substantial way while employed by the Federal Government.

So, for example, suppose you participate on a contract while you are a Federal employee (even if you are not the decision maker). You go and work for that contractor and they want you to communicate back to Department officials regarding that same contract. How long would you have to wait before you could do that? FOREVER! You could do behind the scenes work (unless you are an attorney and your bar rules prohibit behind the scenes work) but you can not make phone calls, send e-mails, or go to meetings (even if you go but don't say anything at the meeting). A lifetime bar applies regarding representational services for another regarding a specific party matter that you worked on while you were a Federal employee. That's the lifetime bar, and it applies to everyone, unless a specific exception applies.

Notice that the lifetime bar does NOT apply to matters that do not involve specific parties. For example, say you work on a rule or policy that affects a broad range of entities. An organization affected by the rule or policy later hires you and you accept. The first day there your new boss tells you that you did such a good job on that rule for the Department, he would now like you to represent your new employer before the Department on the same rule you worked on while at Interior. Assuming you are not a senior employee subject to stricter post employment requirements to be discussed later, YOU CAN DO THIS RIGHT AWAY! The lifetime bar only applies to specific party matters (grants, contracts, licenses, etc.) and not to matters of general applicability (such as rules and policies that you worked on that only affect your new employer only as a member of a class).

Two-Year Bar 18 U.S.C. § 207(a)(2)

There is an additional post-employment bar in place for managers. Suppose you didn't work on the specific party matter but someone on your staff worked on it during your last year of Government service. You would then be barred for a period of two years after you leave Government service from representational communications before anyone in the Federal Government regarding that specific party matter.

One-Year Bar on Aiding and Advising 18 U.S.C. § 207(b)

There is a one-year restriction on aiding and advising with regard to a trade or treaty negotiation. For one year after government service terminates, this law restricts a former employee from representing, aiding, or advising, on the basis of covered information, any other person



(except the United States) concerning any ongoing trade or treaty negotiation in which the employee participated personally and substantially during the last year of government service.

Summary of the Additional Laws that Apply to former Senior Employees (Those paid equal to or greater than 86.5 percent of the rate for level II of the Executive Schedule)

One Year Ban on Communication with One's Former Agency 18 U.S.C. § 207(c)

This law is a one-year restriction on communication with one's former agency.

For one year after leaving senior service, no former "senior" employee may make, with the intent to influence, any communication to or appearance before the department or agency in which he or she served in the one year period prior to termination from senior service. This prohibition only applies if the appearance is made on behalf of any other person (other than the United States) on a matter in which he or she seeks official action by the department or agency.

One Year Bar Relating to Foreign Entities 18 U.S.C. § 207(f)

This law imposes a one-year restriction relating to foreign entities.

For one year after leaving Government service, a former senior employee may not knowingly aid, advise, or represent a foreign entity, with the intent to influence the official actions of any employee of any U.S. agency or department.

The term "foreign entity" means a foreign government or political party as those terms are defined in the Foreign Agents Registration Act. It is also important to note that this prohibition not only prohibits direct representational activity by the former senior employee, but also prohibits aiding or advising others in their representation before federal entities.

One-Year Bar Covering Very Senior Employees 18 USC §207 (d)

The law imposes a one-year restriction on communications with one's former Department with any individual in an Executive Level position. For one year after service in a very senior position, a former Executive Level I employee and certain other very senior employees in the Executive Office of the President are prohibited from making any communication to or appearance before: (1) any individual appointed to an Executive level position, or (2) any employee of a department or agency in which the former very senior employee served during his last year of government service.

Presently, the only employee covered by this law in the Department of the Interior is the Secretary.

Important Definitions and Exceptions

For Purposes of 18 USC § 207, the term "agency" is defined to mean each individual bureau or office within the Department of the Interior. To illustrate, the one-year restriction under 18 USC § 207(c) prohibits a former National Park Service senior employee from communications to or appearances only before the National Park Service; it does not prohibit the former senior employee from contacting any other bureau or component of the Department of the Interior, such as the US Geological Survey or the Office of the Secretary. Under the restriction of 18 U.S.C. § 207(c), former senior employees of the Office of the Secretary, Solicitor or Inspector General may not communicate or appear before any of those three offices, but may appear before any other designated bureau or component of the Department of the Interior.

Former senior employees employed in the Executive Schedule do not benefit from this narrow definition of "agency." In other words, for purposes of 18 U. S.C. § 207 (c), these individuals are prohibited from communicating or appearing before any bureau or component of the Department of the Interior.

Exceptions are provided to former senior or very senior employees for the one year bans of 18 U.S.C. § 207(c) and (d) when the communication or appearance is made in carrying out official duties as an employee of and is made on behalf of:

- an agency or instrumentality of a state or local government;
- an accredited degree-granting institution of higher education as defined in §1201(a) of the High Education Act of 1965;
- a hospital or medical research organization exempted and defined under §501 (c)(3) of the Internal Revenue Code of 1986; or,
- a candidate for Federal or State office or any authorized committee or a political position.

An exception is also currently provided to all the prohibitions of 18 USC §207 for former employees employed by a Federally recognized Indian tribe when communicating for the tribe. This applies to ALL former employees, not just Bureau of Indian Affairs employees. This exception requires written notification to the Secretary of the Interior and the agency or court the

Disclosure of Financial Interests

All employees of the Department of the Interior, including special Government employees, are subject to conflict of financial interest restrictions and may be required to file either a public or confidential financial disclosure report. These reports are among the primary tools used by ethics personnel to determine whether employees are in compliance with the ethics and conduct provisions covering a particular position. Depending on your official position, grade and employment status, you may be required to file either a public financial disclosure report (SF 278) or a confidential financial disclosure report (OGE Form 450), or you may not be required to file any financial disclosure report. In addition, there are DOI supplemental forms, DI-278 and DI-1993 which filers must fill out (except BIA, BR, FWS, and NPS are not required to fill out the DOI supplemental forms).

Public financial disclosure reports may be accessed and reviewed by any member of the general public. Confidential financial disclosure reports, however, are not available for review by the public, but they may be reviewed by Federal, state or local law enforcement personnel. The report may also be used in a court or Federal administrative proceeding if the government is a party or required to comply with a judge-issued subpoena. They may also be made available to members of Congress.

SF-278 Public Financial Disclosure Report

Who files this Report?

For the Department of the Interior, the following categories of employees are expected to file the SF 278 Public Disclosure Report:

- Senate Confirmed (PAS) Presidential Appointees
- Senior Executive Service (SES) employees
- Schedule C employees
- Certain Special Government employees

When is this Report Due?

- Within 30 days after assuming a position
- Department regulations require annual SF 278 Reports to be completed and filed with your Office or Bureau by February 28 of each year; and
- Within 30 days of termination from a covered position (that is a position that is designated as requiring the filing of the form).

What happens if the report is submitted late, falsified, or never filed?

An employee who files more than 30 days after the statutory deadline (and any extension periods) is subject to a \$200 late filing fee. This is a statutory requirement and the Department must enforce the penalty. This late fee may only be waived by the Designated Agency Ethics Official. An employee who willfully falsifies their report may be subject to civil penalties and/or criminal prosecution. Departmental disciplinary actions may apply if a report is never filed.

OGE Form 450 Confidential Disclosure Report OGE Optional form 450-A Certificate of No New Interests

Who files these Reports?

- Regular employees whose positions are designated by their bureau or office as being covered (that is, having duties and responsibilities which could be affected by a conflict of interest).
- Regular employees on temporary assignment or detailed to a covered position.
- All Special Government Employees.

When are these reports due?

Either the OGE Form 450 or the OGE 450-A report is due by October 31 of each year, and within 30 days of when an employee assumes a covered position.

What is the difference between the OGE Form 450 and the optional OGE Form 450-A?

The OGE Form 450 is the standard confidential financial disclosure report which must be filed by all Federal employees who are serving in covered positions (positions which require the incumbent to file this particular report). The OGE Form 450-A is an optional form which can be used in lieu of completing the OGE Form 450 under certain circumstances. The OGE Form 450-A is a signed certification by the employee certifying that his/her financial interests did not change from what was disclosed in the previous year's annual report.

The OGE Form 450-A can be used for a maximum of three consecutive years before a new annual OGE Form 450 must be completed by the employee. As a general rule, the full OGE Form 450 must be filed during Presidential election years. The optional OGE Form 450-A may then be filed (only if no circumstances have changed) during the next three filing periods.

What happens if the report is falsified, submitted late, or never filed?

An employee who willfully falsifies the information on his or her report, willfully omits information, or willfully fails to file may be subject to civil penalties up to \$10,000 and/or criminal prosecution under 18 U.S.C. §1001 and §3571. Departmental disciplinary sanctions may also apply, up to and including removal from government service.

Compliance with financial disclosure requirements is a condition of employment. Employees who are required to file and fail to do so in a timely manner may be subject to disciplinary action up to and including removal from government service.

Ethics Training Credit

Important! Get Training Credit for Reading this Guide

If you file a financial disclosure report, you are required to receive at least one hour of ethics training every year. You may be able to satisfy this requirement by reading and becoming familiar with the contents of this guide. Contact your servicing ethics counselor to see if you qualify.

your servicing ethics	counselor to see if you qualify.
of the Interior employ	opy of the Ethics Guide for Departmen yees and I understand that I am allowed fficial time to read and become familian Guide.
been advised of the n	eviewed this Ethics Guide, and I have ame of my servicing ethics counselor,

been advised of the name of my servicing ethics counselor, whom I may contact for ethics advice or counseling. I also understand that by reviewing this Guide, I have satisfied the annual ethics training requirement as required of Federal employees in 5 C.F.R. 2638.

Name	
Signature_	
Office	
Telephone_	
Date	

Who to contact if you have an ethics question.

The Department of the Interior's ethics program is administered by the Departmental Ethics Office. The Office is the responsibility of the Designated Agency Ethics Official, the principal ethics official for the Department of the Interior. Working with the assistance of a network of bureau and office ethics personnel, the Departmental Ethics Office is able to implement the statutory and regulatory ethics requirements.

Individuals who have ethics questions are encouraged to contact an ethics counselor in their respective bureau or office. However, if they desire, they may contact the Department Ethics Office staff or any staff member of the Solicitor's office to obtain assistance.

Department Ethics Staff

Shayla Freeman Simmons Designated Agency

Ethics Official

Hale Hawbecker Acting Deputy (Alternate)

Agency Ethics Official

Matthew Costello Ethics Program Specialist

Pam Miller Ethics Program Specialist

1849 C Street, NW, MS-4356 Washington, DC 20240 (202) 208-7960 ph (202) 219-2237 fax or (202) 208-5515

Key Ethics Counselors

National Park Service Peggy Moran-Gicker Phone: (202) 354-1981 Fax: (202) 371-5659 Peggy Moran-gicker@nps.gov Office of the Special Trustee Clardel Walker Phone: (505) 816-1270 Fax (505) 816-1345 mmsabq@hotmail.com

Bureau of Indian Affairs Jeannie Cooper Phone: (405) 247-1518 Fax: (405) 247-2161 Jeannie.Cooper@bia.gov Office of the Inspector General James O'Sullivan Phone: (202) 208-6466 Fax: (202) 219-1944 James O'sullivan@oig.doi.gov U.S. Geological Survey Nancy Baumgartner Phone: (703) 648-7474 Fax: (703) 648-4132 nbaumgartner@usgs.gov

Bureau of Land Management Stephanie Langseth Phone: (202) 208-4695 Fax: (202) 501-6718 Stephanie_Langseth@wo.blm.gov Office of Surface Mining Jim Bush Phone: (202) 208-2762 Fax: (202) 208-3107 jbush@osmre.gov

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Minerals Management Service Mary Ann Seidel Phone: (703) 787-1401 Fax: (703) 787-1046 mary.ann.seidel@mms.gov U.S. Fish and Wildlife Service Vacant Phone: (202) 208-4562 Fax: (202) 219-2071